IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HONOURBALE SRI JUSTICE N.V.RAMANA

W.P. No. 6822 OF 2006

Dated : April 17, 2006

Between:

SK. Basha

Petitioner

AND

The Regional Manager,

A.P.S.R.T.C., Khammam Region,

Khammam District and another.

Respondents

THE HONOURBALE SRI JUSTICE N.V.RAMANA

W.P. No. 6822 OF 2006

ORAL ORDER:

Seeking a writ of mandamus declaring the action of the 2nd respondent in issuing the proceedings dated 3.6.2000 imposing the punishment of deferring one increment for a period of one year, which shall have its effect on the future increments and also treating the suspension period as not on duty, the present writ petition is filed.

The petitioner was appointed as Driver in the respondent Corporation on 12.11.1987. While working as such, on 18.2.2000, at about 3.20 p.m. the petitioner is said to have slapped on the left cheek of one JS Ramulu, Jeep Driver of HES Khammam at *Medaram Jathara*. The petitioner submitted his explanation on 1.4.2000, which was not convincing to the respondents. Ultimately an Enquiry Officer was appointed and the petitioner was found guilty of the charge by his report dated 20.5.2000. But the second respondent, without issuing any show cause notice has directly issued the impugned proceedings imposing punishment of treating the suspension period as not on duty and withholding one increment with cumulative effect, which is assailed in this writ petition.

When this writ petition has come up for admission, it is represented by the learned counsel for the petitioner that the issue involved in this writ petition is no more *res integra*, in view of the judgment of this court in *Kottapati Jayachandra Reddy Vs. Depot Manager, APSRTC, Kadiri Depot, Anantapur District and others ()* wherein the action of the employer in imposing punishment of stoppage of annual increment for a period of two years with cumulative effect based on enquiry officer's report, without issuing show cause notice, was held to be illegal. It is further observed that:

> *"…Strictly speaking, the impugned order deserves to be set aside, and the matter needs to be remanded. However, having regard to the fact that nearly six years have elapsed, this court does not find it proper, to subject the petitioner to another set of proceedings. Taking the totality of the circumstances, into account, the punishment of stoppage of increment shall be treated, as the one without cumulative effect. However, the petitioner shall not be entitled for any monetary benefit, upto the date of this order, on account of the modification of the punishment…"*

In view of the ratio that emerges from the above decision, the writ petition is disposed of setting aside the impugned order treating the withheld increment as without cumulative effect and the petitioner shall not be entitled to any monetary benefit upto the date of this order. No order as to costs.

N.V.RAMANA, J.

April 17, 2006

MAS.